



1756 /

Attorney Docket No. 0756-2027

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Shunpei YAMAZAKI et al.

Serial No. 09/396,381

Filed: September 15, 1999

For: APPARATUS FOR FABRICATING
COATING AND METHOD OF
FABRICATING THE COATING

) Group Art Unit: 1756

) Examiner: M. Angebrannndt

) CERTIFICATE OF MAILING

) I hereby certify that this correspondence is being
) deposited with the United States Postal Service
) with sufficient postage as First Class Mail in an
) envelope addressed to: Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450, on
April 2, 2004.

) Adel M. Stumper

RESPONSE

Honorable Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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TC 1700

Sir:

The Official Action mailed December 2, 2003, has been received and its contents carefully noted. Filed concurrently herewith is a *Request for One Month Extension of Time*, which extends the shortened statutory period for response to April 2, 2004. Accordingly, the Applicants respectfully submit that this response is being timely filed.

The Applicants note with appreciation the consideration of the Information Disclosure Statements filed on September 15, 1999; December 16, 1999; April 17, 2000; December 11, 2001; December 21, 2001; March 11, 2002; September 26, 2002; January 31, 2003, and May 5, 2003.

Claims 1-5, 8-12, 14-19, 22-26, 28-33, 36-40, 42-47, 50-54, 56-66, 68-77, 79-88, 90-99, 101-110, 112-121, 123-132, 134-143, 145-154, 156-165 and 167-170 are pending in the present application, of which claims 1, 8, 15, 22, 29, 36, 43, 50, 57-60, 68-71, 79-82, 90-93, 101-104, 112-115, 123-126, 134-137, 145-148 and 156-159 are independent. The Applicants note with appreciation the allowance of claims 1-5, 15-19, 29-33, 43-47, 57, 59, 66, 68, 70, 79, 81, 90, 92, 101, 103, 112, 114, 123, 125, 134, 136, 145, 147, 156 and 158 (Office Action Summary, Paper No. 12012003). For the reasons

set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 3 of the Official Action rejects claims 8-12, 14, 22-26, 28, 36-40, 42, 50-54, 56, 58, 60, 69, 71-77, 80, 82-88, 91, 93-99, 102, 104-110, 113, 115-121, 124, 126-132, 135, 137-143, 146, 148-154, 157, 159-165 and 167-170 under the doctrine of obviousness-type double patenting over the claims of U.S. Patent No. 6,171,674 to Yamazaki et al. In response, a *Terminal Disclaimer* is submitted herewith. Upon filing of this *Terminal Disclaimer*, the claims of the present invention are now believed to be in condition for allowance. Reconsideration and withdrawal of the obviousness-type double patenting rejections are requested.

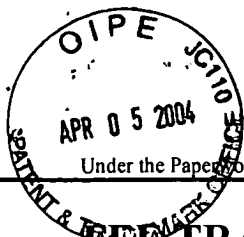
Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,



Eric J. Robinson
Reg. No. 38,285

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PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL
FOR FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant Claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$ 220.00)

Complete if Known

Application Number	09/396,381
Filing Date	September 15, 1999
First Named Inventor	Shunpei YAMAZAKI et al.
Examiner Name	M. Angebrannt
Group Art Unit	1756
Attorney Docket No.	0756-2027

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METHOD OF PAYMENT

- 1.
- ☐
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

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Number

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Deposit
Account
NameRobinson Intellectual Property
Law Office

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- Charge Any Additional Fee Required
-
- Under 37 CFR 1.16 and 1.17 and
-
- credit overpayments

☐ Applicant claims small entity status.
See 37 CFR 1.27

- 2.
- ☒
- Payment Enclosed:

☒ Check ☐ Credit Card ☐ Money
Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
20** =	X	\$18	
Independent Claims	-3** =	X	\$86
Multiple Dependent			

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	\$110.00
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	465	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.29(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify) <u>Terminal Disclaimer</u>					\$110.00

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 220.00)

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SUBMITTED BY

Name (Print/Type) Eric J. Robinson

Signature

Registration No.
(Attorney/Agent)

38,285

Complete (if applicable)

Telephone (571) 434-6789

Date

April 2, 2004



1756 \$

PTO/SB/21 (08-00)

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

09/396,381

Filing Date

September 15, 1999

First Named Inventor

Shunpei YAMAZAKI et al.

Group Art Unit

1756

Examiner Name

Angebranndt

Attorney Docket Number

0756-2027

ENCLOSURES (check all that apply)☒ Fee Transmittal Form☒ Fee Attached☒ Amendment / Reply☐ After Final☐ Affidavits/declaration(s)☒ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/ Incomplete Application☐ Response to Missing Parts under 37 CFR 1.52 or 1.53☐ Assignment Papers (for an Application)☐ Drawing(s)☐ Declaration and Power of Attorney☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a Provisional Application☐ Power of Attorney, Revocation Change of Correspondence Address☒ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) _____☐ After Allowance Communication to Group☐ Appeal Communication to Board of Appeals and Interferences☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☐ Other Enclosures1.
2.
3.
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Remarks

☒ The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 50-2280 for the above identified docket number.**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**Firm
or
Individual nameEric J. Robinson, Reg. No. 38,285
Robinson Intellectual Property Law Office, P.C.
PMB 955
21010 Southbank Street
Potomac Falls, VA 20165

Signature

Date

April 2, 2004

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April 2, 2004

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